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## Michaux bill aimed at gang activity

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A so-called "**Street Gang** and **Terrorism Prevention Act**" was filed in the Legislature this week by Durham lawyer and State Rep. H.M. "Mickey" Michaux.

Patterned on a Georgia statute, the proposed Michaux bill would give North Carolina its first meaningful statutory teeth for fighting gangs.

Under the bill, people who violated the law as part of a "pattern of criminal gang activity" could be convicted of a separate felony. Then they could receive 10 additional years in prison, to begin at the end of any sentence imposed for the underlying offense.

In addition, money and property acquired through gang activity could be seized.

No such provisions currently exist in the state.

Michaux said he filed the bill at the request of Durham Assistant District Attorney John Phillips, who specializes in prosecuting gang-related crime.

"I'm very excited about it," Phillips told The Herald-Sun. "It will be a tool to use against gang higher-ups and organizers. It will hopefully discourage gang recruitment and punish gang organizers. We don't want people from Los Angeles or New York or Chicago coming down here to help organize gangs, and that is happening now."

Phillips said about 300 gang members and 40 distinct gangs have been identified in Durham, but the actual numbers are estimated to be 10 times higher.

An introduction to the Michaux bill says it is not the Legislature's intent to interfere with anyone's freedom of speech.

But the Legislature "finds that the State of North Carolina is in a state of crisis that has been caused by violent street gangs whose members threaten, terrorize and commit a multitude of crimes against the peaceful citizens of their neighborhoods," the introduction adds. "These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected."

An illegal street gang is defined in the proposed bill as "any organization, association or group of three or more persons...which engages in a pattern of criminal gang activity." According to the bill, crimes that fit the pattern include stalking, rape and other sex offenses, escapes from prison and weapons violations.

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Suspects could be convicted of violating the anti-gang law if they committed two or more such offenses within three years.

Under the proposed bill, the existence of a gang may be established "by evidence of a common name or common identifying signs, symbols, tattoos, graffiti or attire or other distinguishing characteristics."

In addition to its other provisions, the Michaux bill would make it a crime to recruit people for gang membership. It also would become illegal to threaten or retaliate against anyone seeking to withdraw from a criminal street gang.

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